

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Appreciation is expressed to Examiner Weeks for her time and attention during the interview conducted at the U.S. Patent and Trademark Office on October 13, 2009. The remarks below discuss the substance of the interview.

The undersigned discussed during the interview aspects of the form-and-seal unit described according to a preferred embodiment in the present application and recited in the independent claims. The undersigned also explained differences between the form-and-seal unit at issue here relative to the disclosure in U.S. Patent No. 6,038,838 to Fontanazzi.

Referring to the attached Exhibit A, which is an annotated version of Fig. 7 from the present application, the form-and-seal unit at issue here includes a fixed cam 25 that includes a first pair of work profiles 37 and a second pair of work profiles 38. These work profiles 37, 38 are engaged or contacted by the cam-followers 30 of different forming flaps 21.

More specifically, as explained to Examiner Weeks during the interview, the form-and-seal unit at issue here is constructed so that one of the work profiles 37 of the first pair is contacted by the cam-follower 30 (identified as X' in Exhibit A) of one forming flap, and the other work profile 37 of the first pair is contacted by the cam-follower 30 (identified by X" in Exhibit A) of a different forming flap.

The undersigned explained that the disclosure in Fontanazzi is different. Referring to the attached Exhibit B setting forth an annotated version of Fig. 1 of Fontanazzi, the interpretation set forth in the Official Action is that the cams 50, 50 in

Fontanazzi correspond to the claimed first pair of work profiles, while the cams 51, 51 in Fontanazzi correspond to the claimed second pair of work profiles. However, as was explained during the interview, the construction of Fontanazzi's packaging unit is not the same as claimed here because the rollers 52 (cam-followers) in Fontanazzi that engage the first pair of work profiles 50, 50 are rollers on the same forming flap. Similarly, the rollers 52 (cam-followers) in Fontanazzi that engage the second pair of work profiles 51, 51 are rollers on the same forming flap.

Following the above discussion, Examiner Weeks said that she understood and agreed with the explained distinction. Examiner Weeks commented, however, that it might be possible to interpret the two cam elements identified as Y, Y in the attached Appendix B as a fixed cam as recited in independent Claim 1 and 19. That is, Examiner Weeks observed that the two cam elements Y, Y considered collectively might be interpreted to be a fixed cam, even though they are actually two separate cams.

On the other hand, Examiner Weeks recognized that such an interpretation could not reasonably be applied to independent claims reciting that the fixed cam is formed as a flat plate and that the first and second pairs of work profiles are offset in the thickness direction of the flat plate and that the work profiles forming the first pair of work profiles are spaced apart from one another in the width-wise direction of the fixed cam. Independent Claims 15, 21 and 22 include language defining that the fixed cam is a flat plate and that the first and second pairs of work profiles are offset in the thickness direction of the flat plate and that the work profiles forming the first pair of work profiles are spaced apart from one another in the width-wise direction of the fixed cam.

At the end of the interview, Examiner Weeks indicated that she would discuss this matter with her supervisor to explain difference between the invention recited in Claims 15, 21 and 22, and the Fontanazzi disclosure.

The undersigned spoke with Examiner Weeks about one week later to follow-up on the interview and to ascertain the status of the discussions with Examiner Weeks' supervisor. Examiner Weeks stated that she spoke with her supervisor and her supervisor expressed concern about the "engageable" terminology used in Claims 15, 21 and 22. With an interest in advancing prosecution of this application, the undersigned asked Ms. Weeks to explain the nature of her supervisor's concern regarding the "engageable" terminology so that such concern could be addressed by explanation and/or amendment. Examiner Weeks stated that her supervisor did not clarify or explain the basis for the concern about the "engageable" terminology. The undersigned also asked Examiner Weeks whether the supervisor could provide alternative wording that would be more acceptable. Examiner Weeks indicated that her supervisor would not provide any suggestions in that regard.

It thus appears that a concern exists about the "engageable" terminology, but the basis for that concern is unknown and suggestions for addressing that unknown concern are not forthcoming.

Considering the foregoing, this Amendment is filed in an attempt to respond to the unknown concerns expressed by the supervisor. In addition to the cancellation of Claims 11-14, 19 and 20, Claims 15, 21 and 22 are amended to use language different from the "engageable" terminology. Thus, Claim 15 recites that the cam-followers carried by the forming flaps contact and move along respective work profiles of the fixed cam during operation of the unit. The claim also recites that the

first pair of work profiles is contacted by the cam-followers of two forming flaps of a first type to control the approach movement of the two forming flaps of the first type towards each other and towards the tube, and the second type of work profiles contact the cam-followers of two forming flaps of a second type. In a somewhat similar manner, Claims 21 and 22 are amended to refer to the first pair of work profiles of each fixed cam that are contacted by one of the cam follower rollers of one of the forming flaps of a first type and one of the cam follower rollers of another of the forming flaps of the first type to control approach movement of the one forming flap and the other forming flap of the first type towards each other and towards the tube during operation of the unit. Claims 21 and 22 also define the second pair of work profiles of each fixed cam that are contacted by one of the cam follower rollers of one of the forming flaps of a second type and one of the cam follower rollers of another of the forming flaps of the second type to control approach movement of the two forming flaps of the second type towards each other and towards the tube during operation of the unit.

Consistent with the discussion during the interview, it is respectfully submitted that Fontanazzi does not disclose a form-and-seal unit having a flat plate fixed cam exhibiting first and second pairs of work profiles that are contacted by the cam-followers of different forming flaps to guide the movement as recited in independent Claims 15, 21 and 22.

In the event Examiner Weeks' supervisor has concerns about the amended claim language, it is respectfully requested that an appropriate explanation of the basis for the concern be provided so the concern can be addressed before an Examiner's Answer is issued.

The disclosure in U.S. Patent No. 5,001,891 to Abate does not make up for the deficiency in Fontanazzi. Indeed, Abate merely discloses that it is possible to set the spacing between the dosing plates 13 and the central axis 53 of the sheeting tube 51 by setting the spacing between the cam track 12 and the central axis 53. A combination of the disclosures in Fontanazzi and Abate would not render obvious the claimed form-and-seal unit recited in independent Claims 15, 21 and 22.

The dependent claims define additional distinguishing features associated with the form-and-seal unit at issue here. Those dependent claims are allowable at least by virtue of their dependence from allowable independent claims and so a detailed discussion of the additional distinguishing features recited in those dependent claims is not set forth at this time.

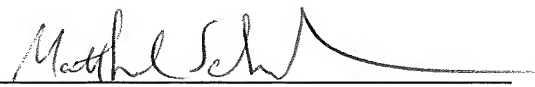
Early and favorable consideration of this application is respectfully requested

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 30, 2009

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